1956.

File No. S. Kanara 1/56

Legal Department

E BRANCH

Subject:— Suits - Kanara

In the Court of the Civil Judge (S. D.), Karwar

C. S. No. 92 of 1954

K. K. Bhat ——— Plff

V/s

The State of Bombay — Deft

188

File No. S. Kanara 1/56

Gen. 191

1/1956

L.D.R.'s No. 2712/20-9-54

Below monthly return for the month of August 1954 from the District Government Pleader of Kanara

--

No. 21780/E
Office of the
Remembrancer of Legal Affairs,
Bombay Castle, 21-9-1954.

Forwarded with compliments to the Collector of Kanara, with a request that the report and papers regarding Suit No. 92/54 mentioned in the return may be submitted at an early date in accordance with rule 118 of the Law Officers' Rules.

~~By order,~~

OC Sd/-
for Remembrancer of Legal Affairs.

HSP/20/6

Submitted for sign.
20/9

Sd/-
21/9

Below No.17/38/1838 of 12/15-9-54 from the Conservator of Forests, Southern Circle.

REGISTERED.

Subject: Civil Suit O.S.92/1954
By Shri K.K.Bhat.

No.34/D/ 7552 of 1954-55.
Poona No.1, Sept., 1954.

Forwarded with compliments to the Remembrancer of Legal Affairs to the Government of Bombay for favour of obtaining the sanction of Government to the defence of the Suit.

The copies of the Suit (in duplicate) together with the copies of the Notice under Section 80 of the Civil Procedure Code and the relevant case papers pertaining to the Suit are sent herewith.

The Dist.Government Pleader, Kanara has been requested to move the Court to grant extension of time pending Government sanction to the defence of the Suit.

(J.A.Singh)
Chief Conservator of Forests, B.S.

L.D.
24 SEP 1954

SECRETARY TO GOVERNMENT
27667
25/9/54

Below No.G/ 2416 dated 6-9-1954 from the D.F.O.Kanara E.D.Dharwar.

Subject:- Civil Suit against State Government by Shri K.K.Bhat, of Sirsi.

No.17/38/1838 of 54-55. Belgaum, 12- 9- 1954. 15.

F.w.cs. to the Chief Conservator of Forests, B.S.Poona in triplicate.

2. The D.F.O.E.D.Kanara's para 3 may kindly be perused and necessary further action taken in the matter as requested therein.

3. D.F.O's para 4 also may kindly be perused and the R.L.A. requested to dispose of this case as early as possible in view of what has been stated by the D.F.O.

17.9.54

msy.12.9.

BOMBAY

No. 12318

17-9-54

D.34

(R.R.Chaudhari)
Conservator of Forests, S.C.

To

REGD

ORIGINAL

The Conservator of Forests,
Southern Circle.,
Belgaum.

No. Q/2446 of 1954-55. Dharwar:- 6-9-1954.

Subject:- Civil Suit against State Government by Shri. K.K.Bhat of Sirsi.

A civil suit against,
1. Bombay State
2. Shri. V.C.Yelamalli, Range Forest Officer, Sirsi-Siddapur, and,
3. Shri. Usman Budan, the then Beat Guard, Sirsi,

Has been filed by one Shri. K.K.Bhat of Sirsi in Karwar First Class Civil Judge's Court. The history of the case is as under:

The Beat Guard Shri. Usman Budan, the defendant No.3 attached a cart loaded with firewood brought from forest, on 24-11-1953, as the cartman did not possess a permit or a pass for the same. The cart and the firewood thus attached were brought and kept in Sirsi Forest Depot. In the evening of the same day, Shri. K.K.Bhat of Sirsi, the Plaintiff, showed a permit issued on the same day in his favour to the Range Forest Officer, Sirsi-Siddapur, and requested for release of the cart. Accordingly the cart was released to Shri. Bhat on execution of a Bond, but the firewood was not released then as the firewood was attached, and necessary Punchanama was drawn up. Thereafter, the R.F.O. Sirsi-Siddapur submitted the case papers to the Divisional Forest Officer, for orders. This case was recently viewed and orders were issued to the R.F.O. for release of the firewood without recovering any compensation. Shri. Bhat was informed of these orders by the R.F.O. with a request to take charge of the material. But he did not take charge of the same inspite of repeated registered notices served on him even to date, and has now filed this Civil Suit.

2. The District Government Pleader, Kanara was, therefore, contacted in this matter with pertinent papers. On going through the case papers, he has drafted necessary report in accordance with Rule 118 of Law Officers' Rules for being forwarded to the Remembrancer of Legal Affairs, Government of Bombay, for obtaining his opinion in the matter, regarding the lines of defence to be adopted in this case. I am therefore submitting the following documents concerning this case:

1. Report under Rule 118 of Rules for the conduct of Legal Affairs of Government.(in quadruplicate)
2. Copy of the plaint in Original.
3. Translation of the plaint in English. (in quadru-plicate)
4. Copy of the Notice issued on defendants, dated 12-1-1954. (in quadruplicate)
5. Copy of the Notice dated 26-11-1953 given by Shri. Bhat to the Range Forest Officer, Sirsi-Siddapur (in quadruplicate)

3. I, therefore, request you to kindly take necessary further action in obtaining the opinion of the Remembrancer of Legal Affairs to the Government of Bombay with regard to the lines of defence to be adopted by the District Government Pleader, Karwar, in this case.

4. It may please be brought to the notice of the R.L.A. that the Government Pleader, Karwar, has informed this

page 2....

Office that the Judge is reluctant to give any adjournment, and hence the case may please be disposed off very early. The date of hearing is being fixed by the Court and the same will be intimated on ascertaining from the Government Pleader.

27 SEP 1954

9/10221
9-9-54

(S.R.Umbarje)
Divisional Forest Officer,
Kanara Eastern, Dharwar.

p/5.9

Report submitted under Rule 118 of the Rules for the Conduct of legal affairs of Government.

.....

I. No. of Suit:- O.S.92- 1954.

II. Date of institution:of Suit:-21-6-1954.

III. Names of Parties:-

Shri.K.K.Bhat,Businessman of Sirsi.

VERSUS

(1) State of Bombay
(2) Shri.V.C.Yelamali,Range Forest Officer,Sirsi.
(3) " Usman Budan,Forest Guard Sirsi. Now Guard at Hunshettikop of Yellapur Taluka.
(4) Claim:- Rs. 208/-
(5) Date offirst hearing:- 9th August,1954.
(6) Whether notices is given under Section 580 C.P.C.: Yes. on 12-1-1954.

Copy send herewith marked "A"

2. (a) Translation of the plaint accompanies marked"B" list of the documents produced with the plaint accompanies marked "C"

(b) As alleged in plaint, para I,It isafact that a permit for 2 cart loads of firewood was issued to the plaintif on 24-11-1953; but it was not issued by the Range Forest Officer, the Defendant No. 2 and he did not know any thing about it neither Defendents Nos. 2 or 3 had any thing to do with the issue of permit . The permit had been issued under Rule No. 3 of Kanara Forest Permit Rules given under Article 166 B.F.M.Vol.III,Defendent No. 3 was then a Beat Guard in Sirsi Beat. It was one of his official duties to check carts loaded with Forest Produce. It is a fact that on 24-11-1953, he attached the cart and the fire-wood in question at Dasangadda Crossing because the Cartman had no pass or permit with him. The conduct of the cart-man was suspicious as he left the cart and fuel when it was brought to the Sirsi Forest Depot for panchanama. The plaintif was not present then. The panchanama was drawn up in the compound of the Sirsi Range Office,translation of which is sent herewith marked"D". The said attachment was, therefore, in the course of official duties of Deft. No. 3 and therefore, it is protected. It was bonafide. The owner-ship of the material was not disclosed then. Therefore, there was absolutely no reason for Deft. No. 3 to act dishonestly nor could an inference be drawn that the attachment was intended to defame the plaintff. Under rule No. 66 of Transit Rules, under Section 41 I.F.A. and rule 9of Article 165 of Permit Rules for Southern Circle forest pass or permit has to be carried along with the material so as to facilitate its proper checking as to whether it is ilicit or illicit material. The material was attached at midday. At about 6-30 P.M., the same day the plaintif came with the permit to Deft. No. 2 but in the copy of the permit, the columns regarding the entry and loading of the material had not been endorsed as required by Rule 4 under article 165 of Southern Circle permit Rules and therefore it was liable for confiscation under that section....

.....P.T.O.

Such permits are issued as a matter of previlege to avoid chances of misuse of such permits. There is a column in the per-mit which requires the permit holder to get an endorsement when he entered the forest so as to enable the Forest Department to keep a watch or check over the collection of the material. Failure of the plaintif to get such an endordement was material. Similarly another column in the permit requires another endorsment to be made before the material is removed to avoid misuse of the permit. In the absence of these two entries, the plaintif could very well have used the permit over-again. Therefore, the plaintifs failure to get such an endorsement was not only irregular but also gave room for doubt as to his honesty. Defendent N o. 2, therefore , had to tell the plaintif that the materiall had been legally attached and after such attachment and panchanama, he had no power to release the material without orders from the Divisional Forest Officer and that it was open to the plaintif to furnish the security and to take away the cart . Accordingly the furnished the security next day and removed the cart. Thereafter/No. 2 /deft. the Range Forest Officer reported the matter to the Divisional Forest Officer for his orders stating the facts of the case. The Divisional Forest Officer passed orders to give a suitable reply to the plaintif and to release the material to the party concerned if the material was covered with a permit or a pass and if it was not of illicit origin.

On 26-11-1953, the plaintiff gave by registered post a notice to the Range Forest Officer, copy of which is sent herewith marked "C". This was received by the Range Forest Officer on 27-11-1953. After receipt of the notice the plaintiff was called upon by letter No. 1761 of 12-12-1953 to give his statement in connection with his application dated 26-11-1953 but he refused to given such a statement or to produce the permit. The said permit or Dakhala chit is thus with the plainfiff. The Divisional Forest Officer ordered the release of the material on 28-12-1953. This order was received in Deft. No2's office on 30-12-1953. Accordingly on 8-1-1954 the plaintiff was informed that he should not commit such irregularities in observing forest rules and that he should take charge of the attached material. The plaintiff did not turn up. Hence a registered notice was issued to him to the above effect. This was accepted by the plaintiff on 20-1-1954 but on 19-1-1954 the legal notice issued by him bearing the date 12-1-1954 was received by Deft. No.2. The plaintiff was again called upon to receive the material by registered letter dated 17-4-1954 which reached him on 27-4-1954. Again he was called upon to receive the material by registered post on 5-7-1954 which reached him on 7-7-1954 Thus it is clear that the plaintiff has scrupulously avoided and failed to take delivery of the material . Hence his claim for price of the attached fuel is not maintainable. He can take possession of it at any time.

Plaint Para 2:- The allegation made in this para are false. Deft's 2 and 3 have not acted dishonestly. They have acted bonafide and in due course of their official duties. The plaintiff has not asked for any declaration that the attachment was illegal. When the legality of the attachment has not been challenged by seeking proper relief of declaration, the plaintiff cannot assert that the Defts. 2 and 3 acted dis-honestly. There was absolutely no reason for Defts 2 and 3 to act dishonestly as the material was actually worth Rs. 5/- only. and they had no enmity against the plaintiff. The plaintiff does not disclose any such enmity or grounds as to why the Defts. 2 and 3 acted dishonestly. So long a Public Servant acts within the four conners of law, no question of motive can arise. Even when he transgressed the limit, it appears that the test is as to whether he acted in his official capacity and was facing towards his duties or turning his back towards his duties.

.....2

There was no personal motive for the attachment of the fuel and the plaintiff has not asserted any such motive. Therefore the plaintiff's Suit is not maintainable even for damages of Rs. 200/- claimed in the Suit. It is rather strange as to how the attachment has caused defamation to the plaintiff. No reply was given to the plaintiff's notice as under Rule 114 of Rules for the conduct of legal affairs, it requires that no reply should be given when there is no legitimate grievances advanced as in the notice. Hence the suit will have to be defended on behalf of all the Defendents. Defts. 2 and 3 are entitles to legal aid as they have acted in their official capacities. The Government pleader has already appeared in this case and obtained an adjournment. The Legal-Remembrancer to the Government of Bombay may, therefore, be requested to instruct the District Government Pleader of Karwar as to the lines of defence early. It is reported by the District Government Pleader that the Court is reluctent to grant adjournments and therefore, the matter may kindly be expedited. This report has been drafted with the assistance of the District Government Pleader, Kanara.

(S.P.Umbarje)
Divisional Forest Officer,
Kanara Eastern, Dharwar.

MsP/4-9/

"B" English translation

In the Karwar Ist Class Civil Judge Court.

Original Case No. 92 1954.

Shri.K.K.Bhat, age, 38, Occupation Business of Sirsi, North Kanara District — Plaintiff.

VERSUS

1) State of Bombay.
2) Shri.V.C.Yelamali, age, 45, occupation Range Forest Officer of Sirsi Taluka Sirsi-N.Kanara, District.
3) Shaik Usman Shaikh Budan age, 48 occupation Beat Guard of Sirsi Taluka Sirsi N.Kanara District. Now Working in Yellapur-Taluka-Range Forest Office Beat Guard Hunshatti-kop — Defendents.

PLAINT for Rs. 208-0-0

Plaint:-

1. The plaintiff had obtained a kirakol permit No. 197280 on 24-11-1953 for two cart loads of firewood from the Defedent No. 2. But the Defedent No. 3 attached the firewood on the grounds that there was no permit . One of these carts was not released though the permit was immediately shown. For this plaintiff complained to Deft. No. 2. Still Deft. No. 2 and 3 did not release the cart. The said firewood decarted and stored in the Sirsi Range Forest Office and the empty cart was released- next day on 25-11-1953 on execution of a Bail-Bond.

2. Defedent No. 2 and 3 have acted dishonestly and insulted the plaintiff. The plaintiff running a hotel namely "Udapi Hotel" with good reputation at Sirsi. Therefore a notice was issued to the Defendents on 12-1-1954 to restore the firewood and pay Rs- 200/- as damage of reputation. But no reply was given to the above notice by the Defendents. So the plaintiff has to file this plaint.

3. This instance of the plaint took place in the jurisdiction of this Court at Sirsi Town.

4. This Court has got the powers to conduct the enquiry into this plaints.

5. Plaints fee, Court fee and the fees of the authorized Pleader is Rs. 208-0-0

6. Therefore the pitition:-

I. Defendents No.2 and 3 should please be ordered to release a cart load of fire-wood attached on 24-11-53 to the plaintiff. For this the value of the firewood is Rs:-	8-0-0
II. Defendents may kindly be ordered to pay an amount of Rs. 200/- for having attached dishonestly and thereby damaging plaintiff's reputation For this Rs.:-	200-0-0

Total:- Rs. 208-0-0

III. Cost of the plaint may be ordered to be paid.

IV. To render other facilities and assistance as seem necessary by the Court.

Date:-

Plaintiff's Pleader.

Sd/- In English.

"True Copy of Kanarese Version."

Divisional Forest Officer.
Kanara Eastern, Dno.

Letter No.597 dated 1-10-54 from the District Government Pleader,Kanara,addressed to the Chief Conservator of Forests,B.S.Poona.

Subject : O.S.No.92-1954.

With reference to your letter No.7552 dated 23rd Sept.,1954 I have the honour to inform you that this suit has been fixed for filing written statement on 11-10-1954. You are therefore requested to get the lines of Defence sanctioned early.

Subject: Civil Suit No.0/S/92/54.
By Shri K.K.Bhat.

No.34/D/8149 of 1954-55.
Poona No.1, 5 Oct., 1954.

Copy f.w.cs to the Remembrancer of Legal Affairs to the Government of Bombay with reference to this office No.34/D/7552 of 23-9-54 with a request to obtain the sanction of Government to the defence of the suit in question very early.

(J.A.Singh)
Chief Conservator of Forests,B.S.

28883
8/10/54

Copy f.w.cs to
the Conservator of Forests,S.C.,
the Divisional Forest Officer,E.D.Kanara,
the Dist.Government Pleader,Kanara.

TV4.5

From:

The District Government Pleader,Kanara.

To

The Remembrancer of Legal Affairs, Bombay.

Subject: O.S.No.92-1954.

No. 598 of 1954. Karwar, dated 1-10-1954.

Sir,

With reference to your letter No.22253 /E dated 27th September 1954, I have the honour to inform you that the suit referred to above has been fixed for filing written statement on 11-10-1954. First appearance had been put-in on 9-8-1954. Report under Rule 118 of the Rules for the Conduct of Legal Affairs was prepared more than a month ago. It appears from letter No.7552 dated 23rd September 1954 that the same has already been submitted to you by the Chief Conservator of Forests. As the Court is reluctant to grant adjournments I request you to kindly sanction the lines of Defence early.This matter is not of a complicated nature.

Yours faithfully,

D.G.P.Kanara.

SECRETARY TO GOVT.
LEGAL DEPARTMENT

File No. 28767.

D.No. T/10/54 E

LD

Submitted

CS No 92/54 is
fixed on 11.10.54. The
State Mahtre Court is reluctant
to grant further adjournment.

Sol(ML)

Wire to DC(S).
To pl. no. from
Court proceedings, &
~~send copy to~~
~~this office~~ - Official letter
will follow.

Sol ML
9-10-54

EXPRESS STATE

District Government Pleader,
Kanara.

NO. 23135/E PLEASE FILE WRITTEN STATEMENT
FROM COURT PAPERS IN SUIT NO. 92
OF 1954.

SECLEX

Office of the
Remembrancer of Legal Affairs,
Bombay Castle (Bombay No.1), 9th October 1954.

Copy by post.

for Remembrancer of Legal Affairs.

Submitted for signature
9/10 SOL (HC)

Counsel.
9/10

4

Submitted

Telegram is issued.
Nec case may M. Nec marked
to some member

9/10

Sol(HL)

Now transmitted to this
may allow

Sol

11-10.

From:

The District Government Pleader,Kanara.

To

The Remembrancer of Legal Affairs, Bombay.

No.660 of 1954. Karwar, dated 19-10-1954.

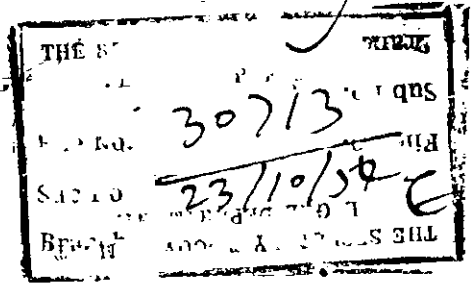
Subject: O.S.No.92-1954.

Sir,

I have the honour to report that the said suit is fixed for filing written statement on 2-11-1954. No further adjournment is possible. Please send the lines of defence early.

Yours faithfully,

Dist.Govt.Pl.Kanara.



C

INDIAN POSTS AND TELEGRAPHS DEPARTMENT

B. Class Prefix } C Code MC 12/15

No. 1790

L.D. 10 NOV 1954

300CT

Recd at 11 H. 7 M. | Sent at ____ H. ____ M. | Office Stamp

From Vizag 2 | To ____

By ____ | By ____

Office of Origin.	Date.	Service Instructions.	Words.
Kakinada Kna.	10	Tc	42

TO

Collector Boundary

Please expedite lines of Defence

in suit 92 of 1954 and

send relevant documents

31183

4/11/54 C

Pleader

District government.

N. B.—The name of the Sender, if telegraphed, should be written after, but separated from the text.

GIPN—S2—23 P&T—28-12-53—1,50,000 Books

C. 3

INVEST WISELY
Buy NATIONAL SAVINGS CERTIFICATES

INDIAN POSTS AND TELEGRAPHS DEPARTMENT

1655

No. L D.
3 NOV 1954

Received here at ____ H. ____ M.

X ME IKARWAR KNA 3 STE 29 SECLEX BOMBAY

- SUIT 92 ONLY ONE WEEKS TIME GRANTED YESTERDAY PLEASE SEND

LINES OF DEFENCE ELSE REPORT UNDER RULE 118 WITH ALL PAPERS

- DISTRICT GOVT PLEADER

3419
3/11/54
E

The sequence of entries at the beginning of this telegram is—class of telegram, time handed in serial number (in the case of Foreign Telegrams only) office of origin, date, service instructions (if any), and number of words.

This form must accompany any inquiry respecting this telegram

MAP—PC/240/53—5173/OP—240 P & T—1. 9. 53—30000 books.

EX" (STE) W/DS 10/45 TO 17/30 SAT...

SECRETARY TO GOVERNMENT OF BOMBAY,
LEGAL DEPTT., AND REMEMBRANCER, OF
LEGAL AFFAIRS., SECRETARIAT.
; 17/30 TO 10/45.SAT.AFTER 14. SUN.& H/DS
24. SECRETARY TO GOVERNMENT OF BOMBAY,
LEGAL DEPTT., & REMEMBRANCER OF LEGAL
IRS, C/O RESIDENT DY.SECY., SECRETARIAT

HFEAb—2116—16-1-54—90,00,000

अपना तार हिन्दी में भेजिए

T. I.-56

THE WISE PERSONS INVESTMENT
BUY
NATIONAL SAVINGS CERTIFICATES

TELEGRAM

No.____

165

.EX" (STE) W/DS 10/45 TO 17/30 SAT..
O 14. SECRETARY TO GOVERNMENT OF BOMBAY,
LEGAL DEPTT., AND REMEMBRANCER, OF
LEGAL AFFAIRS, SECRETARIAT.
K/DS 17/30 TO 10/4. SAT.AFTER 14. SUN.& H/D
O TO 24. SECRETARY TO GOVERNMENT OF BOMBAY
LEGAL DEPTT., & REMEMBRANCER OF LEGAL
AFFAIRS, C/O ACCOUNTANT GENERAL, SECRETARIAT
Secretariat

EXPRESS STATE

District Government Pleader,
Karwar.

REFERENCE	NO. 24991/E.	CIVIL	SUIT	NO. 92
FILE	WRITTE	STATEMENT		IN
CONSULTATION	WITH	LOCAL		OFFICERS

SECLEX

Office of the
Remembrancer of Legal Affairs,
Bombay Castle (Bombay No.1), 4/11 November 1954.

As Shri Iyengar is on leave a telegram is sent

Copy by post.

O/C

for Remembrancer of Legal Affairs.

Submitted for signature

4/11 SS

Issued 4/11

From:

The District Government Pleader,Kanara.

To

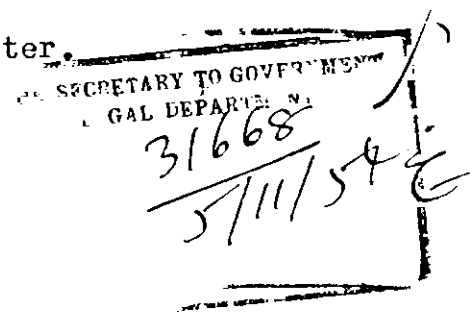
The Remembrancer of Legal Affairs,Bombay.

Subject:.O.S.No.92-1954 (K.K.Bhat Vs. State).

No. 669 of 1954. Karwar, dated 30-10- 1954.

Sir,

I had put in my appearance in this suit on 9-8-1954 and applied for time. This suit was fixed thereafter on 11-10-1954. On that day I applied again for time. The Court granted time till 2-11-1954. As this is third time I will get only 2 weeks' time. I have therefore to request you to send the lines of Defence as also all the relevant documents forwarded to you. I have also sent a wire to expedite the matter.



Yours faithfully,

D.G.P.Kanara,Karwar.

From:

The District Government Pleader,Kanara.

To

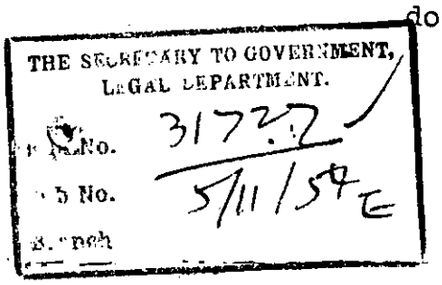
The Remembrancer of Legal Affairs, Bombay.

Subject: O.S.No.92-1954.

No. 678 of 1954. Karwar, dated 3-11-1954.

Sir,

In continuation of my letter No.669 dated 30-10-54, have the honour to inform you that O.S.No.92-1954 filed by K.K.Bhat against the State had originally been fixed on 9-8-1954. I applied for time on that day. It was then fixed on 11-10-1954. 2 months time had thus been given on 1st occasion. On 11-10-1954 when I applied again time was grante till 2-11-1954. When I applied for the third time yesterday the Court has granted only one week's time. It refused even to grant 2 weeks' time. Hence I had to send a ~~xxxxxx~~ wire on 30-10-1954 requesting you to expedite the lines of defence. I have also sent a second wire today intimating you that only one week's time has been granted. I, therefore request you to send me the lines of defence immediately, with permission to draft the W.S. and produce it immediately In the alternative, I request you to send me atleast the report submitted under Rule 118 as also the relevant documents, immediately.



Yours faithfully,

Dist.Govt.Pl.Kanara.

Submitted.
The Sh. Inamdar's case. A Pleader has already been put up to D.G.P 2 file W.S. The papers may be sent as desired by H.B.P. Memo is put up

6/11 SS

Exp. delivery

57

IMMEDIATE.

No. 25261/E
Office of the
Remembrancer of Legal Affairs,
Bombay Castle (Bombay No.1), 6th November 1954.

Subject:- Civil Suit No.92 of 1954.

MEMORANDUM.

With reference to his letter No.678 dt. the 3rd November 1954, the District Government Pleader, Kanara is informed that he has already been asked by a telegram on the 4th instant to file the written statement in consultation with the Local officers. The papers of the case and a copy of the report under rule 118 ~~of the Karwar Officers~~ are sent herewith as desired by him. He is requested to send a copy of the written statement immediately.

o/c

For Remembrancer of Legal Affairs.

To

The District Government Pleader,
Karwar.

Issued 6/11

Submitted 6/11 SC

RMS.
6.11.

From:

The District Government Pleader, Kanara.

To

The Remembrancer of Legal Affairs, Bombay.

No. 697 of 1954. Karwar, dated 9-11-1954.

Sir,

I have enclosed herewith copy of the W.S. in O.S.92-54 filed today. It was drafted in consultation with R.F.O. of Sirsi who is defendant No.2 in the case. If any additional points require to be added therein I may please be intimated soon.

Yours faithfully,

Dist.Govt.Pl.Kanara.

L.D. 12 NOV 1954

THE SECRETARY TO GOVERNMENT
LEGAL DEPARTMENT.
File No. 32491
Subject 13/11/54
Branch

Sealed

This is from Shri Nanda's table. One Copy of W.S. in the case filed in this Court is received here on 13.11.54 but no approval appears to have been communicated to the D.G.P. Kerala. The W.S. appears to be in order and the D.G.P. may now be informed that the W.S. accordingly

Re
15/-

SOL(M), 14/11/54.

In the Court of the Civil Judge, Senior Division,Karwar.

O.S.No.92-1954.

K.K.Bhatta Vs. State of Bombay .... Defendant.

Written Statement put-in by the Defendants 1 to 3:

1. This suit is based on the ground that defts 2 and 3 effected the attachment of plff's fuel although it was cover by a permit.The attachment was effected by deft.No.3 who was the beat-guard. Defendant No.2 was the Range Forest Officer Sirsi who refused to ~~k~~ release the material after the panchanama was drawn up by defendant No.3, (as he could not do so) without obtaining orders from the D.F.O. Both the defendants acted in their official capacity and not with any other motive. They acted in good faith. The words good faith have been defined in cla 20 of section 3 of India Act X of 1897 as anything done honestly whether it is done negligently or not. The same definition is to be found in Bombay Act I of 1904 (Bombay General Clauses Act) Clause 20 of Section 3. Therefore under section 74 of Indian Forest Act XVI of 1927 no suit ca lie against any public servant for anything done by him in good faith.

2. Defendant No.1 is the State of Bombay. Defendant No.1 is not responsible for anything done or purported to ha been done by defendants Nos. 2 and 3 in their official capacity even if the plff's allegation that they acted dishonestly be true. The Government is not responsible for any tort alloged to have been committed by the defts. Nos. 2 or 3. The plaint does not disclose any grounds as to why the plff ~~xxxxxx~~ holds the Government responsible for the alleged dishonest act of defts Nos. 2 and 3. The Government never acquiesced in their acts.

3. It is admitted that a permit for 2 cart loads of firewood had been issued to the Plff on 24-11-1953 as alleged in plaint para No.1. But it is not true that it was issued by deft No.2. Defendant No.2 did not know anything about the issue of the permit either at the time of the attachment or thereafter until the plff came to him with th

permit.

4. Similarly defendant No.3 had nothing to do with the issue of the permit. The permit in question had been issued by some other officer. He was not aware of the issue of the permit at the time of the attachment of the fuel. Even if it be held that he had acted negligently it cannot be said that he had acted dishonestly or without good faith.

5. The permit in ~~x~~ question is still with the plff. He has not yet produced it in court. It had been issued under Rule 3 of the Kanara Forest Permit Rules given under Article 166 of the Bombay Forest Manual Volume No.III. Deft.No.3 was a beat guard of Sirsi. It was one of his duties to check carts loaded with forest produce. It is a fact that on 24-11-1953 he attached the cart and the fire wood in question. He found the same at Dasangadde crossing which is about one or 1½ miles away from the Forest Depot of Sirsi. The cartman had no permit with him. He acted suspiciously. He did not assert that the fuel belonged to the plaintiff. It also transpires that the jungle from which the plff was permitted to bring the fuel was in a different direction. Thus the fuel covered by that permit could never have been found at Dasangadde. The cartman left the cart and the fuel when it was brought to the Sirsi Depot for drawing up a panchanama. He took away the bullocks of the cart and disappeared. The plaintiff was not present at the time. The cartman did not assert that the fuel was covered by any permit. Even if it was covered by a permit it was necessary that it should have been in the hands of the cartman to facilitate proper check. Therefore defendant No.3 was justified in bringing the cart and the fuel to the fuel depot and attach ~~ehit~~ it under a panchanama. The cart reached the ~~Forest~~ Forest Depot at about midday and the panchanama was drawn up soonafter. ~~His~~ The cartman's failure to disclose the fact that the fuel in question belonged to plaintiff as also his failure to produce the

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permit
pass when called upon clearly justified the attachment.

6. The defendant No.2 was not present at the time of the panchanama. The plaintiff came to him at about 6-30 P.M. on 24-11-1953. He was not willing to produce the permit. The material had already been attached under a panchanama. Defendant No.2 had no power to release the fuel without obtaining orders from his superior Officer the D.F.O. The Plff was informed accordingly.

7. The plff had been informed immediately by the defendant No.2 that he could take away the cart after giving security and an undertaking to produce it when required. On 25-11-1953 the plff applied for the release of the cart and the cart was released to him soonafter he passed a bond on the prescribed form the same day. Therefore the allegation in plaint para No.1 [redacted] that the cart had not been released to the plff immediately is incorrect. He had not applied for it in writing nor had he passed a necessary bond on the 24th. Therefore the defendant No.2 was justified in not releasing the cart until the plff fulfilled the legal requirements.

8. The Plff sent to deft.No.2 his application dated 26-11-1953. This reached defendant No.2 on 27-11-53. It appears that a copy of this application had been submitted by the plff to the D.F.O. who forwarded it to th defendant No.2 on 8-12-1953. In the meanwhile deftNo.2 had called upon the plff to produce his permit and also to give his statement. But the plff refused to do so as can b seen from the report of the R.O.Sirsi. Hence on 12-12-1953 the plff was called upon to appear before deftNo.2 with the permit in question. This notice was served on him the same day. But the plff failed to appear or comply with th notice. The defendant No.2 therefore could not send his report to the D.F.O. on account of this attitude of the

9. Thereafter defendant No.2 submitted his report to the D.F.O. on 15-12-1953 and the D.F.O. ordered on 28-12-1953 that the fuel attached should be released to the plff if it was covered by a permit and that if he should be given a suitable reply. Defendant No.2 received this order on 30-12-1953. The plff was informed accordingly on 5/8-1-54 by a registered notice that he may take charge of the attached fuel and that it was his duty to observe the Forest Rules in force. This order appears to have reached the plff on 20-1-1954. Yet the plff did not take delivery of the fuel or to give any reply. He was again informed to take away the fuel on 5-7-1954 by a registered notice which was received by the plff on 7-7-1954. Yet the plff failed to take delivery of the fuel. It is still lying in the Forest Depot and the plff is at liberty to take it away at any time after giving a receipt. The defendants are therefore not liable to pay the plff Rs.8/- as a price of the fuel. According to the panchanama the fuel was not worth more than Rs.5/-.

10. The contents of plaint para 2 are denied. It is not true that defendants Nos. 2 and 3 or either of them had acted dishonestly. It is not true that the attachment has defamed the plff or injured his reputation. It is a fact that the plff has got a tea-shop at Sirsi. It however appears that he has a wrong notion about his prestige. The attachment of the fuel and the cart had been legally effected. The plff does not challenge the legality of the attachment. He has not sought any such relief. It cannot be said that mere attachment of his fuel from the possession of his cartman had affected his reputation. No moral turpitude was involved in the case. Mere attachment for breach of Government Rules cannot be said to affect the reputation of the Plff, especially in the circumstances in which the attachment was effected. Therefore plff's claim for damages of Rs.200/- on the ground that his reputation was affected is not

maintainable.

11. The only ground asserted against defts. Nos. 2 and 3 is that they had acted dishonestly. This allegation has already been denied. The defts.Nos. 2 and 3 were acting in their official capacity. The attachment of the fuel did not cause any wrongful gain to either of them. There was no wrongful loss to the plff as the material was ordered to be released to him after complying with the necessary technicalities. The part played by defendant No.2 was only to forward the papers to the D.F.O. and obtain his orders. Even assuming that defts. 2 and 3 acted dishonestly it cannot be said the plff's reputation was in any x way affected by mere attachment of the fuel from the possession of his cartman. In any case defendant No.1 is not responsible for the tort said to have been committed by defendants Nos. 2 and 3.

12. The permit in question contains columns in which the plff was required to obtain signatures or initials of the beatguard before entering the jungle from which he was permited to remove the fuel, as required by Rule 4 under ~~Rules~~ Article 165 of the Southern Circle Permit Rules. Similarly he was required to take the initials of the beatguard ~~xhx~~ vouchsafing that the ~~fx~~ material ~~xx~~ loaded in the cart was the genuine material. The permit in question did not contain these entries. The cart had been found at a place which was not on the regular route on which it would have come if the fuel had been loaded from the jungle ~~fxm~~ covered by the permit. In the absence of the entries in the columns referred to above the plff could make use of the permit again for bringing fresh material under the same permit. This appears to have been the idea behind the fact that no such endorsements had been obtained by the plff nor had he kept the permit with the cartman. Therefore it is clear that the dishonesty

was on the part of the plaintiff and not on the parts of the defendants Nos. 2 and 3. However as the value of the material in question was negligible the D.F.O. was pleased to waive a technical offence and ordered the release of the material. Yet the plff has chosen this remedy to harass the defts.Nos. 2 and 3 as also the Government by filing this suit and therefore it is submitted that he deserves to be dealt with under section 35A C.P.Code.

13. It is not the plff's case that he had kept the permit with the cartman or that the cartman had shown the permit to the defendant No.3 before attachment. The panchanama of attachment clearly shows that the permit had not been shown nor was the name of the owner of the fuel disclosed. Therefore it is the plff's failure to comply with the necessary rules which has resulted in the attachment of the fuel. Hence he cannot hold any of the defendants responsible for the attachment.

14. In order to keep proper check or watch against illicit removal or transport of Forest Produce the permit system has been introduced. The permit provides for proper check before entry into the jungle and also after the loading of the fuel in the cart. No forest produce can be transported from one place to another without a permit or pass under Rule 66 framed under Section 41 and Rule 9 of Article 165 of the Permit Rules. The plff was bound to fulfil and comply with th requirements of Law. Having failed to comply with these conditions and rules it is not open to him to assert that his reputation has been affected by the attachment.Although the material was ordered to be released he seeks for payment of its price Rs.8/- without taking delivery thereof. His action is therefore not only irregular, illegal but it is also intended to harass defts Nos. 2 and 3 as a revenge for effecting the attachment. The plff is estopped from challenging the attachment or from claiming any damages in view of these circumstances mentioned above.

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15. No reply was required to be given to the plaintiff's notice in view of the provisions contained in Rule 114 paragraph 4 of the Rules for the Conduct of the Legal Affairs of the Government.

16. It is therefore prayed that the plff's suit may be dismissed with costs and further that the plff may be dealt with under section 35A of the Civil Procedure Code. Hence this written statment has been presented duly stamped as an application.

Karwar,
9-11-1964.

District Government Pleader.

I, B.S.Mavinkurve, District Government Pleader, Kanara,do hereby declare that the contents of this W.S. are true to the best of my knowledge and belief.

Signed at Karwar on 9-11-1964.

D.G.P.Kanara.

No. 15412/E

Office of the
Remembrancer of Legal Affairs,
Sachivalaya, Foreshore Road,
Bombay, 18-7-1955.

Sub: Civil suit No. 92 of 1954

Memorandum.

With reference to his letter No. 697 dated the 9th Nov. 1954 forwarding a draft written statement in the suit noted above for approval, the District Government Pleader, Kanara, Karwar is informed that the draft forwarded by him is approved.

for Remembrancer of Legal Affairs.

To

The District Government Pleader, Kanara, Karwar.

C/24/5

This is a 1954 Suit -

Skipped A

The written Statement in the Suit is appointed to file in Court.

the Defence of the Suit maybe sanctioned on the basis of the written Statement filed by the D-2 P. Kana

ORS
7/10.

Sd/- Civil Judge 8-10

No. 921 of 1955.
Karwar, 10/10/1955.

From

The District Government Pleader,
Kanara, Karwar.

To

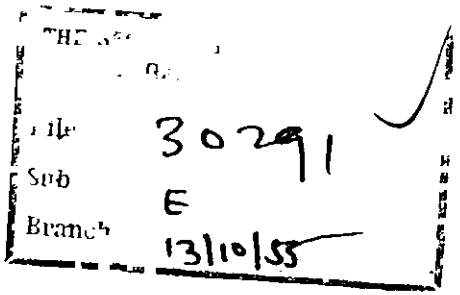
The Remembrancer of Legal Affairs, Bombay.

Sir,

I am glad to inform you that O.S.No.92-1954 filed by K.K.Bhat of Sirsi against the State as also R.F.O. and a Guard of Sirsi has been dismissed with costs.on 8th inst. Copy of judgment will be forwarded in due course.

Your faithfully,

Dist.Govt.Pleader,Kanara.



2D

Submitted

C.S No 92/54 c

decided in favour of

Govt. on 8 10.55

15/10

Sd/ (RCJ) 15-10

In the Court of the Civil Judge,

Senior Division, Karwar.

O.S.No.92-1954.

Pleaders.
Mr.N.G.Shanbhag
" P.S.Kamat
" P.G.Prabhu

K. K. Bhat, aged 38, trader, resident of Sirsi ... ... Plff.

against

District Govt. Pleader.

1) The State of Bombay.
2) V.C.Yelmalli, aged 45, Range Forest Officer, Sirsi.
3) Shaik Usman Shaik Budan, aged 48, Peat Guard of Sirsi ... ... Defts.

Claim - Rs.208/-.

x x x x x x

Order.

Suit is dismissed with costs.

BILL OF COSTS.

Plairtiff. Defendants Nos.1 to 3.

	R. a.p.
Stamp for vakalatnama, Exh.38:	2- 0-0
Stamps on Exhs.8,9,10,11,13,17, 19,21,22,28 and 34:	6- 3-0
Subsistence allowance to wits. Exhs.29,31,36,37,55 & 58:	89- 8-0
Pleader's fees:	18-12-0
Process fees, Exh.28:	3-12-0
Total -	120- 3-0

Given under my hand and the seal of the Court this 8th day of October 1955.

Sd.M.M.Shirkol,
Civil Judge(S.D.).

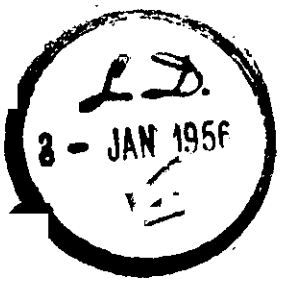
Plff's Pleader: Sd.P.S.Kamat.

Defts' Pleader: Sd.B.S.Mavinkurve.

:....

" TRUE COPY "

District Government Pleader,
Kanara, Karwar.



No. 1142 of 1955.
Karwar, 29-12-1955.

From

The District Government Pleader,
Kanara, Karwar.

To

The District Magistrate & Collector of Kanara.

Sir,

Shri K.K.Bhat had filed Suit No.92-1954 against the Government, the R.F.O. and a Guard. The legal had been given to Defts 2 and 3. I had appeared for all the Defts. The suit has been dismissed, with costs. The Plff deposited Rs.116-7-0 in Court. I received the payment yesterday. I have credited to-day in the local Treasury Rs.116-6-0 after deducting one anna for the receipt stamp used for passing receipt to Court. Copy of Challan accompanies.

243
E
4-1-56

Yours faithfully,

District Govt.Pleader.

No. 1148/1955

Copy forwarded with compliments to the R.L.A., Bombay, for information ~~together with copy of chalan~~ Bom.

29/12/55

District Govt. Pleader, Kanara.

Submitted for information.

4/1

4-1.

No. 74/56
30/1/56.

From

The District Government Pleader,
Kanara, Karwar.

To

The Remembrancer of Legal Affairs, Bombay.

Sir,

I have forwarded herewith uncertified copies of the judgments in O.S.No.183-1954 and 28-1955 O.S. 92/54 & C.A. 67/52. Both the suits were tried as companion suits. Both the suits have been dismissed with costs. I have obtained certified copies of judgment and decree and I am executing the decrees. Result will be intimated in due course.

Yours faithfully,

Sd/-

Dist.Govt. Pleader

LD

Submitted

CS no 92/54 is

decided in favour of Govt.

on 6.10.55

11/2

Sd/- [illegible] 11-2

Received on- 21st June 1954.

Registered on- 1st July 1954.

Decided on- 8th October 1956.

Duration- 1 year 3 month and 17 days.

In the Court of the Civil Judge, Senior Division, Karwar.

At Karwar. Exhibit no.62.

Original Civil Suit No. 92 of 1954.

Pleaders

M/s N.G.Shanbhag, P.S.Kamat and P.G.Prabhu.

K.K.Bhat, 38, trader, resident of Sirsi, Taluka Sirsi, District North Kanara. — Plaintiff.

against

District Government pleader for 11 Defendants.

1. Bombay State.
2. V.C.Yalmalli, 45, Range Forest Officer, Sirsi, Taluka Sirsi.
3. Shaik Usman Shaik Budan, 48, Beat-Guard, Sirsi, now Guard in Punshetti-Koppa, in Yellapur Taluka Forest Range.

— Defendants.

Claim- Rs.208-0-0.

Plaintiff by this suit claims damages of Rs.200/- against Government and two forest Officials on the ground that he was defamed by the act of the Forest officials.

Plaintiff is the proprietor of Udipi Hotel at Sirsi. Defendant no.1 is the Government. Defendant no.2 is the Range Forest Officer of Sirsi. Defendant no.3 is a Forest Beat Guard who at the time of the act complained of was serving at Sirsi.

The Plaintiff makes out the following case in his plaint. Defendant no.2 the Ranger had given him permit for bringing two cart-loads of fuel from a nearby forest on 24th November 1953. The Plaintiff * brought one cartload of fuel on the permit supplied to him. While he was bringing the second Defendant no.2 the beat-Guard attached the fuel on the ground that it was not covered by a permit. This he did inspite of the fact that the permit was shown to him. Plaintiff then complained about the beat-Guard's action to the Ranger- Defendant no.2. Still Defendants nos.2 and 3 did not release the cart-load of fuel; bu

*o.p.2.

they released only the empty cart on the next day that is, on 25th Novembe. 1953 and that too after taking security. Plaintiff therefore complains that he was defamed by the action of Defendants nos.2 and 3 for un-warrantedly detaining his fuel and claims Rs.200/- as damages on that score from the Government as well as from the two Defendants. He further prays for an order from this Court for the release of the fuel.

2. The Government pleader appears on behalf of the three Defendants and resists the claim. His written statement is at exhibit no.11. The version made out in the written statement is as follows: It was no doubt true that a permit for two cart-loads of fuel wood had been issued to Plaintiff on 24th November 1953 but it is not true that Defendant no.2 had issued it Similarly Defendant no.3 also had nothing to do with the issue of the permit. The permit in question had been issued by some other officer. The Defendant no.3 found the cart in question with the load of fuel at Dasangadde crossing which is about 1 or 1½ miles away from the forest depot at Sirsi and asked the cartman to show him the permit. The cartman had no permit with him. He began to act suspiciously. He did not even give out the name of the person to whom the fuel cart belonged. Thereupon Defendant no.3 brought the cartman to the Sirsi depot. But the cartman managed to escape with his bullocks leaving the cart and the fuel there in the depot. After his departure Defendant no.3 effected a Panchanama of the cart. All this took place at about mid-day on 24th November 1953. Then Plaintiff approached Defendant no.2 at 6-30 P.M. on that day and claimed the fuel to be his, but was not willing to produce the permit. As the material had already been attached under a Panchanama Defendant no.2 felt that he had no power to release the fuel without obtaining orders from his superior officer the D.F.O. and he informed the Plaintiff accordingly. But at the same time Defendant no.2 informed Plaintiff to take away the cart immediately which Defendant no.2 did take the next day after giving security. Thereafter Plaintiff sent to Defendant no.2 an application on 26th November 1953 and it reached Defendant no.2 *o.p.3.

of the application to the D.F.O. who forwarded it to Defendant no.2 on 8th December 1953, for enquiry. In the meanwhile Defendant had called upon the Plaintiff to produce his permit and also to give his statement, but the Plaintiff refused to do so. Further Defendant no.2 called upon Plaintiff to appear in person with the permit on 12th December 1953. The Plaintiff again failed to appear appear or comply with the notice. Thereafter Defendant no.2 submitted his report to the D.F.O. on 15th December 1953 and the D.F.O. ordered on 28th December 1953 that the attached fuel should be released to the Plaintiff if it was covered by a permit. Defendant no.2 received the order on 30th December 1953 and he informed Plaintiff accordingly on 6th January 1954 by a registered notice. Yet the Plaintiff did not take delivery of the fuel nor did he give any reply. He was again informed to take away the fuel on 5th July 1954 by another registered notice. Still he failed to take delivery of the fuel. This in brief is the version given on behalf of the Defendants.

3. Now so far as the Government (Defendant no.1) is concerned, it is contended that it was not responsible for anything done or purporting to have been done by Defendants nos.2 and 3 in their official capacity even if the Plaintiff's allegations that they acted dishonestly be true. The Government, it is submitted, was not responsible for any tort alleged to have been committed by Defendants nos.2 and 3.

4. Next, so far as Defendant no.2 is concerned, it is contended that he did not know anything about the issue of the permit nor did he know anything about the attachment until the Plaintiff came to him with the permit at 6.30 P.M. It is submitted that whatever Defendant no.2 did thereafter was in * his official capacity and therefore he was not responsible for any defamation caused to the Plaintiff.

*c.p.4.

5. On behalf of Defendant no.3 it is submitted that the actions done by him on that day were entirely in his official capacity and further they were all done honestly and in good faith. So it is submitted that he was not also responsible for any damages to the plaintiff.

Further it is contended that Plaintiff was not defamed in any way by the actions of Defendants nos.2 and 3. These acts, it is submitted, were done by Defendants nos.2 and 3 in their official capacity and the attachment which was done had nothing in it so as to cause injury to Plaintiff's reputation. Further it is contended that the attachment was made from the custody of the cartman and therefore Plaintiff's reputation could not be affected in any way by the attachment. For all these reasons the Defendants pray that the Plaintiff's suit should be dismissed with costs.

6. The following issues were set down for hearing at exhibit no.27:-

1. Whether Plaintiff proves that the Defendants nos.2 and 3 attached the fuel in question dishonestly as alleged in plaint para 2 ?
2. Does he further prove that the said attachment was illegal ?
3. Does he prove that he was defamed by reason of this attachment ?
4. Whether Defendants nos.2 and 3 prove that they acted or purported to act in their official capacity and in good faith ?
5. Is Defendant no.1 liable for the alleged acts of Defendants nos.2 and 3 ?
6. Are Defendants nos.2 and 3 personally liable ?
7. If so, to what extent ?
8. Is Plaintiff entitled to claim the value of the fuel in view of the fact that he failed to take charge thereof ?
9. Does Plaintiff prove that Defendants or any of them are liable for defamation on account of the attachment ?

10. If so, what is the extent of damages and which of the Defendants are liable ?

11. What reliefs ?

12. What order ?

7. Findings.

1. No. 2. No.

3. No. 4. Yes.

5. No. 6. No.

7. Does not survive. 8. No.

9. No. 10. Does not survive.

11. As per order. 12. As per order.

Reasons.

8. There is much in this case which is quite beside the point and very little on the point of defamation which is the only point with which we are concerned. Plaintiff's case in substance on this point is as follows:

Plaintiff who is a teashop-keeper at Sirsi obtained a permit from the Forest Department on 24th November 1953 for bringing two cart-loads of fuel from Bendigadde jungle. He personally took his cart and went and brought one cart-load of fuel in the early hours of the morning. Then he went again and brought the next cartload of fuel. But when he arrived with his cart within the Municipal limits of Sirsi the beat-Guard (Defendant no.3) stopped the cart and demanded his 'Mamul' (which was a free cart-load of fuel for his and the Defendant no.2- Ranger's use). The Plaintiff however pleaded that it was only the beginning of the season and that he would give the 'Mamul' at a later time. But Defendant no.3 was not satisfied with the promise. He then proceeded to attach the cart and ordered him to drive it to the forest Naka. Plaintiff protested at this high-handed action and told the Guard that the cart-load that he had brought was covered with the permit that had been issued to him. But the Guard turned a deaf ear to all the representations and requests made by the Plaintiff and took the cart to the Forest Naka and left it there within the

*o.p.6.

compound. After that the Plaintiff went and showed the permit to Defendant no.2- the Ranger and explained to him the facts and requested him to release the cart. The Ranger then asked the Pla,ntiff to make an application according to his dictation. The Plaintiff then made an application. But inspite of that the Ranger refused to release the cart. This happened at about mid-day on that day. Thereafter the Plaintiff waited for the release of his cart till evening but the Ranger only allowed him to take away his bullocks without releasing his cart. Next morning the Pla,ntiff went again to the Ranger and entreated him to release his cart. But the Ranger still refused to release the fuel. He however allowed him to take away his cart after emptying the fuel in the compound. This in short is Pla,ntiff's version of the whole incident.

9. He now complains that he felt himself defamed by the high-handed and illegal manner in which the Ranger and the beat-Guard behaved with him and attached his fuel. To quote his own words— "such an action was taken against me as I failed to give 'Mamul' (customary dues) to Defendant no.2 and 3. It was a market day and it became the talk of the town that I had brought fuel without a permit and that the fuel had been attached. I therefore felt defamed." (vide para 6 of his statement, exhibit no.53)

10. The beat-Guard and the Ranger on the other hand have altogether a different story to tell. The beat-Guard's * version is as follows: On 23rd November 1953 which was a day prior to the incident he had been to Sadashivalli for patrolling his beat and halted that night in the house of one Ganap Gouda. Next day at about 9 A.M. Ganap Gouda and he started from the village for going to Sirsi. On the way at Dasangadde which is opposite to Bendigadde forest he saw the fuel cart coming from the Bendigadde forest. It was then driven by a cartman of unknown identity. He asked the cartman whether he had a permit, to which the cartman replied that he had no permit. He then asked him where he was taking the fuel to which he replied that he was taking it to Sirsi. He further questioned him about the owner of the cart-load, but

*o.p.7.

the cart-man did not reveal his name. He then asked him about his name and this too the cartman refused to disclose. He therefore brought the cart along the cartman to the forest depot at Sirsi. It was about mid-day by that time. On reaching the depot he asked his companion Ganap Gouda to wait there and went to inform the Forester about this fuel cart. But he was told by the Forester to make a Panchanama about the cart. When he returned back he found that the cartman had bolted away with the bullocks. He then caught hold of another Panch one Govind Achari who was passing by that road and made a Panchanama about the cart and the fuel. The Panchanama over, he handed it to the Forester and went away.

11. Now we can very well see the glaring difference between the two versions. In fact the only thing common between them is the cart-load of fuel that was attached on that day and except for that everything else differs not only considerably but materially as well. If we accept the Plaintiff's version then there is enough material to show that the beat-Guard and the Ranger both acted rather dishonestly in the matter. But if on the other hand the story told by the beat-Guard be accepted, then there is absolutely no scope for inferring any dishonesty on the part of these
'o.p.8. *officials and therefore there would be no case of defamation whatsoever. So the question of defamation rests mainly upon the acceptance or otherwise of the story told by Plaintiff. It is therefore necessary to examine it in all its details.

12. To begin with, Plaintiff has not examined any witness in support of the story told by him. The truth or otherwise of the story therefore chiefly rests upon the integrity of the teller himself. Now the first thing that strikes me as very odd is the statement that Plaintiff himself was driving the fuel cart on that day (Vide para 2 of his statement, exhibit no.53). He, as told by himself, is the proprietor of a fairly big hotel and earns about Rs.3 to 4 thousand per year. Further it is admitted that it was a market day. Now it appears to me rather very odd that the owner of such a big hotel, instead

of trying to engage his time more profitably in the hotel on a market day, should take a fancy for driving a fuel cart which could as well have been done by a servant of his. Such an amusing sight could not have failed to escape the notice of many passers-by on the road. Plaintiff could very well have examined one of these passers-by to lend some credence to his story. But he has not done so.

13. Following further the story told by him, he states that the beat-Guard Defendant no.3 stopped his cart when it had arrived within the Municipal limits of Sirsi, In order to arrive within the Municipal limits of Sirsi, he had first to cross the Toll-Naka. In fact he states that he did cross the Toll-Naka and that further he also paid the toll for the cart-load of fuel. But he adds that the toll-receipt was passed in the name of his ~~ser~~ servant Irappa. Now one fails to understand why the toll-receipt should have been passed in the name of his servant Irappa when he himself was driving the cart. Further the receipt also is not produced in this case. All these render the story told by the Plaintiff very much suspect. The suspicion becomes further intensified when we see that nobody from the toll-Naka has been examined by Plaintiff * to support all that he says now. These in my opinion, are very significant omissions. *c.p.9.

14. We now come to the reason given by Plaintiff as to why the beat-Guard stopped him from proceeding further inspite of his having a permit with him. The Plaintiff's statement is that the beat-Guard asked him to give the 'Mamul' which he failed to give and therefore the Beat-Guard proceeded to ~~...~~e the high-handed action against him. Now the story of 'Mamul' is told for the first time in the deposition of Plaintiff at the time of hearing. He did not make out any such case in his plaint or at any time earlier to that. Even so, the story is rendered very much ridiculous by his further statements made in this connection. At para 9 he states that he has been taking such permits since 7-6 years. Further at para 11 he states that the beat-Guard-Defendant no.3- asked him 'Mamul' some 15 days prior to the incident. But he then did not complain about it to the Ranger- Defendant no.2.

So this indicates that Plaintiff was not averse to give him any 'Mamul' and this is made much more clear by his statement contained at para 27—

> Defendant no.3 had asked 'Mamul' for the first cart. I had then promised him to give it at the time of the second cart. I used to give 'Mamul' before. At the time of bringing the second cart I did not point blank refuse to give Defendant the 'Mamul', but I pleaded that it was only the beginning of the season and that I would give it at a later time."

Now if this statement be true, then there was no cause for the beat-Guard to proceed to attach the cart in that high-handed manner, because according to Plaintiff he used to give 'Mamul' and he promised to give it at a further time. Therefore the story of the 'Mamul' as being the reason behind the attachment of the cartload, is extremely unbelievable.

15. We now pass on to the forest fuel depot, where the cart was actually detained. The cart was brought there, *o.p.10. *at about mid-day or at about 1 P.M. Immediately after that according to Plaintiff he approached Defendant no.2 and showed him the permit, explained to him the facts and requested him to release the cart. At this the Ranger, it is said, asked him to make an application the contents of which he is said to have dictated. But inspite of this application it is alleged the Ranger refused to release the cart. Now why should the Ranger have refused to release the cart when he himself, it is said, tried to show the Plaintiff a way out of the difficulty by asking him to make an application and even dictated the contents thereof ? This on the face of it appears to be extremely silly. But let us suppose the Ranger refused to release the cart for some reason or another, then where was the necessity for Plaintiff to wait there uselessly till 6 P.M. All these go to

show that the Plaintiff has come forth with an absolutely concocted story.

16. The beat-Guard's version on the other hand stands in refreshing contrast to the story told by Plaintiff. He states that the previous day he had been to Sadashivhalli for patrolling his beat and halted that night in the house of one Ganap Gouda. Of course he has not produced his diary in support of his statement. Though this be so, his say is fully supported by Ganap Gouda who was examined at exhibit no.60. The Plaintiff tried to attack his evidence on the score that he was very much under the mercy of Defendants nos.2 and 3 and therefore he was deposing in their favour. The points made out against the witness are that about 6 months back he and his brother were involved in a forest offence in respect of which they were made to pay compensation that the witness was now trying to recover back the compensation with the help of Defendants nos.2 and 3 and that further the witness had applied for a forest strip area the sanction for which depended upon the recommendations to be made by Defendant no.2. The witness on his part admits about the application made by him for the refund of the compensation * but he states that he had made the application to the Collector and Defendants nos.2 and 3 had nothing to do with it. Further he also admits having applied for the strip of forest area, but he denies having been offered any inducement by either Defendant no.2 or Defendant no.3. Speaking for myself, I was much impressed by the evidence given by the witness. But let us suppose that there is an element of interestedness in the statement made by the witness still when it is examined in the background of the evidence on record, I find it to be highly acceptable. The witness states that Defendant no.3 the beat-Guard did camp in his house the night previous to the incident. He next states that the next day when he was accompanying the beat-Guard to Sirsi, they both of them saw the cart of fuel at Dasangadde being driven by a cartman of unknown identity. Then furtheron he says that the cartman refused to reveal his identity and also refused to reveal the identity of his owner. Thereupon the beat-Guard

*o.p.11.

brought the cart along with the cartman straight to the forest depot. While crossing the Toll Naka the beat-Guard, it is said, told the Naka people that there was no question of paying any Toll in respect of the cart as it had been attached. This statement finds great support from the fact of the non-production by Plaintiff of the alleged Toll-receipt. If there was some Toll-receipt, albeit in Plaintiff's servant's name, he should have produced it, in which case one could have understood the falsity of the statements made by the witness and the beat-Guard. But in the absence of the receipt the story told by the beat-Guard and Ganap Gouda stands very much to be accepted.

17. We now come to the forest depot. After reaching the forest depot, it is said, by both the beat-Guard and Ganap Gouda that the beat-Guard left the cart in the care of Ganap Gouda and went to inform the Round Forest Officer but by the time the beat-Guard returned back the cartman had bolted away with the bullocks inspite of the protest of
*o.p.12. *Ganap Gouda. The story told by the beat-Guard and Ganap Gouda is fully supported by the Panchanama that was drawn up on the spot about the forsaken cart. The Panchanama is at exhibit no.57. In this connection it is also pertinent to note the evidence given by the other Panch- Govind Achari, exhibit no.59 who was the person who wrote the Panchanama. This witness was then passing by the depot on his way to Sirsi from Baligadde. He was called in by Defendant no.3 and asked to make a Panchanama about the forsaken cart. The witness very clearly states that at that time the cartman of the cart and also the bullocks were not there. Nothing in substance was alleged against this witness.

18. Taking up the Panchanama, exhibit no.57, we find it mentioned therein that the offender was not present on the scene and that further the offence took place at Dasangadde. Now much was tried to be made about some words appearing in front of the column- "details of offence". Some words have been added in faint ink and these are—"while taking the

cart without pass or permit". It is contended by Plaintiff that this was a later interpolation. But the Panch witness Govind Achari, exhibit no.59 who wrote the Panchanama explains about the faint ink in the following manner:

> " I have written the words 'while taking without a permit or pass' in exhibit no.57. I wrote them at the time of writing exhibit no.57. I do not find any difference in the ink. I wrote the Panchanama by a fountain pen. Perhaps the ink at the time of writing the words did not flow well. I think I added the words immediately after writing the rest of the Panchanama. It is not true that I inserted the words on a later date."

I think the explanation offered by the witness is perfectly truthful. But let us for the moment read the Panchanama without the disputed words viz. 'while taking without a permit or pass', still the other contents of the Panchanama, in my * opinion, are enough to prove the bona fides of the version given by the Beat-Guard and Ganap Gouda. I lay stress here upon two points: one is the mention of the offence having been committed at Dasangadde and the other is the offender was not present on the scene while making the Panchanama. In my opinion these two points lend full support to the story told by the Beat-Guard that the cart-man had absconded away without revealing his identity. So then the Panchanama in my opinion even without the words objected to, greatly supports the version given by the Beat-Guard, which stands further supported by the evidence given by Ganap Gouda and the Panch witness Govind Achari, exhibit no.59.

*e.p.13.

19. We next come to the report of the Range Officer, exhibit no.54, dated 15th December 1953 upon which much reliance is placed by Plaintiff's learned pleader. The relevant portion of the report is as Below:-

> "The Beat-Guard Usman Budan had caught the cart of the applicant near Dasangadde carrying fire-wood without a permit and he brought the cart to the

Range office and drew up a Panchanama. Later Shri Bhat (Plaintiff) produced one permit and asked the Guard to release the cart. But the Guard refused to do so. Then the applicant came to me and asked me to order the Guard to release the fire-wood and the cart producing at the same time the permit he had. The permit had no endorsement of the beat-guard...."

This report was made by Defendant no.2 the Ranger to the D.F.O. under the following circumstances as narrated by him at exhibit no.54. On 24th November 1953, Plaintiff it is said, went to him at about 6.30 P.M. and complained about Defendant no.3 for having attached a cartload. The plaintiff showed him the permit. It bore no endorsement for entry and exit. He questioned Plaintiff about the absence of the endorsement but Plaintiff remained silent. He then sent for Defendant no.3 who told him all that had happened before. Then on 28th he received an application dated 26th November 1953 from Plaintiff praying for the release of the cart-load. On receipt of the application he started inquiry. He issued a notice to Plaintiff * for the production of the permit but Plaintiff did not produce it. After the inquiry he made the report at exhibit no.44, the important part of which has been noted above.

*o.p.14.

20. The part noted above makes out the following case, namely-

1. that the Beat-Guard had caught the cart near Dasangadde without a permit;
2. that he brought the cart to the Range office and drew up a Panchanama;
3. that lateron Plaintiff produced a permit and asked the Beat-Guard to release the cart but the Guard refused to do so;
4. that then the Plaintiff approached the Ranger Defendant no.2 and asked him to order the cart to be released.

So far as the first two points are concerned they fully support the Beat-Guard's version. Now regarding the third point the Beat-Guard no doubt says that the Plaintiff did not approach him on that day with any permit. But according to the Ranger's report it is clear that the Plaintiff had approached the Beat-Guard but after the attachment in question was effected. The Beat-Guard's denial of this might be due to lapse of memory. But then I cannot see how Plaintiff's case gains any strength from this point. Even supposing that he did approach the Beat-Guard and showed him the permit it is evident from record that he did it after the Beat-Guard had effected the attachment. The Plaintiff's basic case is that he was defamed because the Beat-Guard effected the attachment highhandedly inspite of his having shown him the permit, which case does not gain in strength even if we grant in his favour the part of the Ranger's report that he showed the Beat-Guard the permit after the attachment was effected.

21. So from all these it is quite clear that the Plaintiff's case that he was driving the cart, that he had been detained by Defendant no.3 within the municipal limits, that Defendant no.3 demanded from him the 'Mamul' that further the Defendant no.3 did not leave the cart inspite of his showing him the permit etc. etc. is *wholly unbelievable. If it is unbelievable, then I do not think there can be any case of defamation as urged by Plaintiff. But there is some thing more to be said in connection with the case of defamation made by Plaintiff. It seems, he has used the word 'defamation' without having any clear idea of it in his mind. The sort of defamation complained by him in the plaint is with reference to the dishonest behaviour of Defendants nos.2 and 3. While making this allegation he has nowhere made clear the sort of dishonesty that was practised upon him by Defendants nos.2 and 3. All that he has said in the plaint is that Defendant no.3 did not release the cart inspite of his being shown the permit. Here too it should be observed that the Plaintiff has not made clear at what stage he showed him the

*o.p.15

permit. The allegations in this connection are all too vague. Even so, he has nowhere made out the sort of case that he now makes in his deposition which is that the detention of the cart became the talk of the town and therefore he was defamed by it. This latter case appears for the first time in the deposition and as can be seen it was made more with a view to fit in with the legal requirement of defamation than with the facts and circumstances of the case. The further allegation of the demand of 'Mamul' also appears for the first time in Plaintiff's deposition before Court, and this also is not without its significance. For, it is laid down in Nandkumar Sinha V. Raibahdur Pashupati Ghosh, 1920 Patna, 417(at page 423) that if an act done by a public Officer is apparently an official act, its character as such will not be changed by allegations that it was done in bad faith or that it had not that character which it purports to have. Applicability of the statute depends on what the act purports to be and is not affected by allegations that the apparent state of things is not the real one. In view of this legal position it was not sufficient for the Plaintiff merely to allege in his plaint that the action of Defendants nos.2 and 3 in attaching the cart was dishonest, and the bare allegation by itself was not sufficient to take the actions of* Defendants nos.2 and 3 out of the legal ambit of their power and render them accountable to Plaintiff. So he invented this new story in order to give the necessary immoral background to the whole affair. But then as already observed by me these innovations made by Plaintiff at the time of hearing are wholly untrue and highly unbelievable. So in my opinion, the Plaintiff's case regarding defamation has no substance in it whatsoever.

*o.p.16.

22. But at the same time I cannot part with the case without making certain observations regarding the irregularities prevalent in the Forest Department concerning the supervision of permits issued to permit-

-holders. According to rule 165A of the Bombay Forest Manual, Vol. III, the free permits are to be issued in triplicate. One copy of the permit is kept in the office, the second copy should be sent to the Beat-Guard concerned and the third should be a green copy and it should be given to the permit-holder. The permit-holder should present the permit to the Beat-Guard and with his knowledge enter the forest and remove the material within the time stated in the permit. The Beat-Guard on his part should make endorsements on the permit about the entry of the permitdar in the forest and also about the removal of the material made by him. But from the record produced in this case I find that this rule is more honoured in its breach than its performance. Many of the permits do not bear the required endorsements at all. The Beat-Guard- Defendant no.2's statements in this connection are very disconcerting. At para 15, he states regarding permit no.197279 that he made the endorsement on the back of it after the cart in question came out of the jungle and not before it. He had not seen the cart before entering the forest. According to him he made the signature about the entrance of the cart because he was in law required to make the endorsement irrespective of the fact whether he had observed the cart while entering the jungle or not. * Furtheron he goes *o.p. to state that the permit-holders seek him wherever he is and take his endorsements on the back of the permits irrespective of the fact whether he has seen the transport made by the carts or not. Again at para 23 he states regarding another permit no.197282 that he made the endorsement upon it on 23rd November 1953 in the evening at the instance of the Forester. The Forester, it is said had brought this permit and also some more along with the permit and asked him to make endorsements upon them and he made the endorsements. These statements show how irresponsibly the Beat Guards make endorsements on the permits. In short no sanctity as such is attached to their endorsements made on the permits. So the observations made by the Range Forest Officer in his inquiry report, exhibit no.44, submitted to the D.F.O. in connection with Plaintiff's permit, that the permit had no

endorsement of the Beat-Guard as required under Rules, cannot carry any weight at all. But this aspect of the case should not worry us any longer as I have already thrown away Plaintiff's case that he was present with the cart and that he showed the permit to the Beat Guard on that day. Though this be so, I must sound a note of warnin_ to the Department to set its house in order in time.

23. A point was also made by Plaintiff that the procedure followed by the Beat Guard in the matter of attaching the cart was illegal throughout. It was submitted in the first instance that the Beat Guard had no power to attach the cart and secondly that the Beat Guard ought to have submitted a report about the offence to the proper authority concerned. Now so far as the submission regarding the Beat Guard's want of authority for attaching the cart is concerned, I do not think the submission is legally valid. Part 3 of the Forest Manual, Vol.II which contains statutory orders, clearly empowers the Forest Guard to do all things required to be done by the Forest officer under the Forest Act. Now the term 'Beat Guard' is another name for 'Forest Guard'. So Defendant no.3 had full authority to make the attachment in question. The next thing complained against him is that he did * not make a first report of the case as required under Rule 216 of the Bombay Forest Manual, Vol. II. It states that—

*o.p.18.

> Every forest guard shall keep a 'Forest Report Book', which will be printed in triplicate, and immediately on an offence coming to his knowledge shall fill up or cause to be filled up a form of 'First Report' the triplicate copy of which he shall despatch or take to his Round officer and despatch the duplicate copy to the D.F.O. direct.

The Beat Guard in this case however, did not follow this procedure before making the Panchanama. Even after making a Panchanama he did not make any 'First Report'. His explanation in this connection is that after the

completion of the Panchanama he took it and handed it over to the Forester and the Forester, it is said, told him that there was no necessity of giving a 'First Report' as the name of the culprit was not known. The Range Forest Officer also bears out the explanation put forward by the Beat-Guard. Now the omission to make a First report might be an irregularity at the most, but that by itself cannot in any way lend support to Plaintiff's fantastic version of the case.

24. The entire matter so far as I can reconstruct from the evidence adduced in this case seems to be like this: The Plaintiff on that day it seems had sent his cart along with the cartman to bring the fuel from the Bendigadde forest, but he had not taken care to send his permit with the cartman. The cartman while bringing the fuel from the forest was spotted by the Beat Guard at Dasangadde who asked him to show the permit regarding the cart. At this stage, it seems, the cartman became funky because he did not carry the permit. So he thought it safe not to reveal his identity and also that of the owner. Thereupon the Beat-Guard brought the cart to the forest depot and went to inform the Round Officer about the incident. This was a God-sent opportunity for the cartman to bolt away from the scene. He, accordingly it seems, took the bullocks with him and bolted away leaving the cart there. When the Beat Guard returned back he saw only the cart. He *thereupon attached the cart and made a Panchanama about it and went and handed over the Panchanama to the Round Forest Officer and left the matter to him. Meanwhile it seems the cartman went and informed the Plaintiff about what had happened. The Plaintiff then rushed to the Beat-Guard and showed him the permit and explained to him the situation. But the Beat-Guard refused to release the cart on the plea that he had already attached the cart and that the matter had gone out of his hands. Then the Plaintiff, it seems, approached the R.F.O. in this connection. The Range Forest Officer thereupon called the Beat-Guard and asked him what it was all about. The Beat-Guard explained to him the whole situation. The Ranger also it seems, felt that he could not release the cart in view of

*o.p.19.

the attachment made by the Beat-Guard. He reported the matter accordingly. All this can be gathered from the Ranger's report at exhibit no.44. The D.F.O. it seems, on going through the matter took a broad view of the case that it was more in the nature of a technical offence and nothing serious in fact had happened and therefore ordered the release of the cart and the fuel. The Ranger accordingl asked the Plaintiff to take back the fuel but the Plaintiff somehow entertained the silly notion of his prestige being unnecessarily offended. He refused to take back the fuel and insisted upon the restoration of the fire-wood together with the compensation of Rs.200/- for loss of his reputation. The course that the Plaintiff took in my opinion, was extremely unwise. In substance though there are some irregularities in the procedure followed by the Forest Department, there is nothing to show that they either acted out of the bounds of their duty or with any malafide intention towards Plaintiff or with any expectation of 'Mamul' from him. My conclusion in the end is that the case made out by Plaintiff is absolutely without any substance.

25. I would now discuss the law on the point in the light of the reconstruction of the affair made by me above So far as the position of the Government is concerned, it *in my opinion is extremely unassailable even if we grant in favour of the Plaintiff that the two officers were guilty of the wrong attributed to them. The position of the Government in such cases is clearly stated in Udaychar Mehtab V. Province of Bengal, 1947 Calcutta, Part II, 141 (147). It is observed therein that the Government's vicarious liability for acts and omissions of its servant is restricted to: (a) private enterprises on the part of Crown which might be undertaken by private individuals as well as, e.g., mercantile operations, etc. and (b) acts of State done under the sanction of and in exercise of powers conferred by some Municipal law or statute consisting in

*o.p.20.

detention of land, goods of or chattels of the subject by the Crown itself and acts done by its officers in discharge of their official duties, on express authority from the Crown or resulting in some profit thereto. None of these ingredients is made out in this case. Then further it is ruled in District Board of Bhagalpur V. Province of Bihar, A.I.R. 1954 Patna, 529, that when the duty to be performed is imposed by law and not by the will of the employer, the employer is not liable for the wrong done by the agent in such employment. Now the Plaintiff in this case has not alleged, much less proved that the Defendants nos.2 and 3 were acting under the will of the employer when they made the attachment and detained Plaintiff's fuel cart. On the other hand the allegations go to show that the Defendants nos.2 and 3 mis-performed the duty imposed upon them by law and Defendant no.1 the Government had no active connection with the duties performed by them. Therefore it cannot be said that the State was liable for the actions of Defendants nos.2 and 3 however illegal and however malafide their actions were. As further observed in the above noted Calcutta case, the Government was not responsible for the misfeasances, or wrongs, or negligences, or omissions of duty of the subordinate officers or Agents engaged in the public service; for it does not undertake to guarantee to *any persons the fidelity of any of the officers or Agents whom *o.p.21 it employs; since that would involve it, in all its operations, in endless embarassments and difficulties and losses which would be subversive of the public interests". Therefore, in my opinion, the Government in this case is not at all liable to Plaintiff under any circumstances.

26. Then coming to Defendants nos.2 and 3 so far as Defendant no.2 the Range Forest Officer is concerned he was not immediately concerned with the attachment. Further even according to Plaintiff he did not ask any 'Mamul' from him. All that he did was to make an inquiry in the case and make a report to the D.F.O. The worst that can be said against him is that he tried to uphold the act done by Defendant no.3. But at the same time it cannot be told against him that he went out of his legal authority to

shield Defendant no.3. So obviously when he acted within the four corners of his authority, there can be no case of any defamation against him. The case against him also must fail.

27. There is then Defendant no.3 the Beat Guard. So far as he is concerned I have already disbelieved the Plaintiff's case made out against him. When thus I rejected Plaintiff's case, there remains nothing against him except the irregularities in the matter of endorsing the permits which have no direct bearing on the question of defamation. They at the most amount to the departmental irregularities for which Plaintiff cannot take him to task. Defendant no.3 would be responsible to him only so far as the alleged act of defamation is concerned. When that is ruled out there cannot be any case against him which can be sustained with any plausible effect. So, in my opinion, there is also no case against him on the count of defamation.

28. In the end Plaintiff's suit stands to be dismissed. But here I want to make another observation and that is regarding the cartload of fuel which is still lying in the Forest depot. It is not disputed that Plaintiff was asked to take away the fuel by the Range Forest Officer. If evidence is still needed in this behalf- there are the notices, exhibits nos.47 and 49 issued to him by the Range Forest Officer. If inspite of these notices Plaintiff has still failed to take away the fuel, it is his own fault. The fuel is still there and he may still take it away if he likes. So there is no necessity of issuing a command to the Range Forest Officer to hand over the fuel to him. If Plaintiff means to remove his fuel, he should do so promptly that is, within a month or two at the latest, failing which the Forest authorities may take such action as is permitted to them by law in this case.

O r d e r.

Suit dismissed with costs.

8th October, 1955. Sd.M.M.Shirkel,
Civil Judge, Senior Division.

Suits:

Kanara.
For an order to release a cart load of fire-wood attached on 24th Novem-ber 1953 to the plaintiff and for damages etc.

GOVERNMENT OF BOMBAY
Legal Department,
Resolution No. 15803/E
Sachivalaya, Bombay, 13th July 1956.

Letter from the Chief Conservator of Forests Bombay State, Poona No.34/D/7554 dated the 23rd September 1954

In the Court of the Civil Judge, (Senior Division),, Karwar Civil Suit No. 92 of 1954. K.K.Bhat Plaintiff; vs. The State of Bombay ..Defendants:	forwarding the papers in the suit noted in the margin and requesting sanction to its defence.

RESOLUTION:- Sanction is accorded to the defence of the suit on the lines of the Written Statement filed by the District Government Pleader, Kanara, on 9th November 1954.

By order and in the name of the Governor of Bombay.

(D.G.PALEKAR)
Deputy Secretary to Governemnt.

original

To
The Agriculture and Forests Department,
The Chief Conservator of Forests (Bombay State), Poona.
The Divisional Forest Officer, Kanara.Eastern, Dharwar.
The District Government Pleader, Kanara.

CDM 11/7

Submitted for Sig.

D.S. (civil).

Submitted after issue
file on 5 January /56 (NCW)

14/1

Supdt 14/1/7